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## NEWS

### *Air Pollution*

#### **Brazil Fines Volkswagen \$13 Million for Emissions Fraud**

Brazil fined Volkswagen 50 million reais (\$13.1 million) after the company admitted that 17,057 Amarok model, medium-size diesel-engine pickup trucks sold in 2011 and 2012 were fitted with software designed to cheat on nitrogen oxide emissions...

### *Air Pollution*

#### **EPA Proposes Update to Unusual Air Event Policy**

A proposed update to the Environmental Protection Agency's exceptional event rule would address several state concerns, including the elimination of a demonstration requirement that states have long identified as a problem, a state...

### *Air Pollution*

#### **Germany Investigating Emissions Beyond VW**

Germany's Federal Motor Vehicle and Transport Authority (KBA) said it is investigating the possibility of elevated levels of nitrogen oxide emissions from diesel cars manufactured not only by Volkswagen, but by other automakers as...

### *Air Pollution*

#### **Industry Wants Boiler Arguments Heard as Scheduled**

A federal appeals court should deny a request to change the three-judge panel that will hear litigation over federal emissions standards for boilers and incinerators, because it would further delay a decision that could substantially affect...

### *Air Pollution*

#### **Judge Denies EPA Bid to Prevent McCarthy Deposition**

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A federal judge denied the Environmental Protection Agency's bid to shield Administrator Gina McCarthy from deposition in a coal company's lawsuit that seeks to compel the agency to review the impact its Clean Air Act rules have on...

#### *Air Pollution*

##### **Surviving U.S. Power Plants to Keep Coal Demand Steady**

If you thought that a record loss of U.S. coal-fired power generation means less of the climate-changing fuel will be burned, think again....

#### *Biodiversity*

##### **European Commission Says Conservation Legislation Worth Costs**

The benefits of European Union nature conservation legislation massively outweigh the costs, even though the legislation is less effective than it could be because of insufficient implementation and enforcement, according to a draft study...

#### *Budget*

##### **Environmental Riders on Omnibus Coming Into Focus**

Congressional Democrats appear to be softening their stance toward attaching policy riders to an upcoming omnibus federal spending bill, which could allow Republicans to enact measures that would block some of the Obama administration's...

#### *Chemicals*

##### **EPA Issues Three SNURs for Five Chemicals**

The Environmental Protection Agency amended significant new use rules (SNURs) for five chemical substances that were the subject of premanufacture notices, according to a final rule (RIN 2070-AB27) scheduled for publication in the Nov....

#### *Chemicals*

##### **Monsanto Poisoning Bay With PCBs, Oakland Says**

Monsanto Co. and its legacy businesses allowed polychlorinated biphenyls to contaminate San Francisco Bay, including through stormwater runoff from Oakland, Calif., streets, the city argued in a federal lawsuit (Oakland v. Monsanto Corp.,...

#### *Chesapeake Bay*

##### **Exelon Balking at Fish Lift Mandate for Maryland Dam**

Exelon Generation plans to appeal a pending requirement that it install a fish lift system on the Conowingo Dam on the lower Susquehanna River in northeastern Maryland....

#### *Climate Change*

##### **Greenland Glacier Melt Accelerating, Study Says**

A glacier in northeast Greenland that holds enough water to raise global sea levels by more than 18 inches is breaking apart and melting into the Atlantic Ocean, losing mass at a rate of 5 billion tons a year, according to a new study....

#### *Climate Regulation*

##### **Court Stay Won't Stop EPA Clean Power Plan, McCabe Says**

The Environmental Protection Agency will continue working with states on developing and implementing their compliance plans, even if the Clean Power Plan is stayed by a federal court, EPA Acting Assistant Administrator for Air and Radiation...

#### *Climate Regulation*

##### **Entergy Corp. Sues EPA Over Clean Power Plan**

Power company Entergy Corp. became the latest utility to challenge the Environmental Protection Agency's Clean Power Plan, filing a petition for review in the U.S. Court of Appeals for the District of Columbia Circuit Nov. 12 (Entergy...

#### *Corporate Responsibility*

##### **Climate Risk Poses Hardship to Investor Portfolios: Study**

Equity portfolios may lose as much as 45 percent of their value due to shifting investor sentiment about climate change, according to a report by Cambridge University's Institute for Sustainability Leadership....

#### *Emissions Trading*

##### **EU Too Generous With Free Allowances: Court Adviser**

Units of ExxonMobil Corp., Dow Chemical Co. and OMV AG may lose challenges against a 2013 European Union decision to cut the free carbon allowances they receive after an adviser to the bloc's highest court said regulators were still too...

#### *Endangered Species*

##### **Comment Period Extended for Sagebrush Protections**

Mining companies, environmental activists and other interested parties will have more time for commenting on the Bureau of Land Management's proposals to block new mining claims in approximately 10 million acres of "sagebrush...

#### *Energy*

##### **New York Governor Vetoes Deepwater LNG Port**

A deepwater port for liquefied natural gas that would involve a 22-mile pipeline off Long Island's beaches was vetoed Nov. 12 by New York Gov. Andrew M. Cuomo (D). ...

#### *Energy*

##### **NRC Rule Doesn't Go Far Enough, Safety Advocates Say**

The Nuclear Regulatory Commission's proposed rule to limit damage at reactors in cases of severe events such as earthquakes doesn't go far enough to protect the plants, nuclear safety advocates told Bloomberg BNA....

#### *Energy*

##### **Senator's Proposal Boosts Mexico's Nuclear Ambitions**

A Mexican senator is preparing legislation that would pave the way for expansion of the nation's only nuclear power plant as part of its drive toward developing more clean energy....

#### *Environmental Reviews*

##### **Review Ahead in New Mexico for Electric Transmission EIS**

New Mexico Land Commissioner Aubrey Dunn told Bloomberg BNA Nov. 12 that he plans a thorough review of a final

environmental impact statement for a 360-mile electric transmission line from New Mexico to Arizona....

#### *Hazardous Waste*

##### **Private Party Can't Pursue RCRA Civil Penalties**

A private party can't pursue civil penalties under the Resource Conservation and Recovery Act, the Northern District of California said Nov. 10 (Verse Two Properties, LLC v. Hanggi Mfg., Inc., N.D. Cal., No. 14-cv-03765, 11/10/15)....

#### *Hazmat Transport*

##### **International Committee to Consider Explosives, Perfumery Issues**

An international committee will hear proposals on altering classification testing requirements for certain explosives at an upcoming meeting, but explosives groups told the U.S. delegation at a Nov. 12 preparation meeting those requirements...

#### *International Climate*

##### **CEOs in U.N. Survey Seek Clarity From Paris Climate Talks**

Business leaders have signaled that they are looking to the Paris climate change negotiations that open Nov. 30 for clarity and certainty to help them plan for a low-carbon future, according to survey results released Nov. 12. ...

#### *International Climate*

##### **Here's What the G-20 Nations Are Pledging on Climate Change**

Saudi Arabia's pledge Nov. 10 to curb its greenhouse gas emissions by 2020 means all of the Group of 20 major economies are promising to take action to fight climate change as part of a United Nations deal they aim to seal in Paris in December....

#### *International Climate*

##### **Kerry Spars With France Over Binding Nature of Climate Deal**

The White House Nov. 12 reiterated that the U.S. favors a global climate deal that includes a mix of binding and nonbinding provisions, hoping to end a rift earlier in the day between Secretary of State John Kerry and top French officials over...

#### *International Climate*

##### **Two Hearings on Paris Climate Talks Slated for Nov. 18**

Congressional scrutiny of the upcoming international Paris climate change negotiations will come to a head Nov. 18, with committees in both the House and Senate slated to hold hearings on the talks. ...

#### *Mining*

##### **Clinton Releases \$30 Billion Plan for Coal Communities**

Democratic presidential candidate Hillary Clinton called for increased funding for the development of carbon capture and sequestration technologies and for expanding the amount of renewable energy produced on federal land as part of a...

### *Radioactive Waste*

#### **Lawsuit Challenges Nuclear Waste Storage on California Coast**

Citizens Oversight has filed a lawsuit challenging the California Coastal Commission's permitting of dry cask nuclear waste storage at the shuttered San Onofre Nuclear Generating Station (Citizens Oversight, Inc. v. Cal. Coastal...

### *REACH*

#### **EU Chemicals Agency Opens Consultations on Chromium Trioxide**

The European Chemicals Agency Nov. 11 invited comments through Jan. 7 on three uses of chromium trioxide in electroplating, as part of assessments of authorization applications submitted under the European Union's REACH regulation...

### *REACH*

#### **U.S. Chamber in EU Seeks Revised REACH Guidance**

The European Chemicals Agency (ECHA) and European Commission should provide clarity on when they will update REACH guidance on hazardous chemicals in products, to take into account a September European Union Court of Justice ruling on notification...

### *Renewable Energy*

#### **Mexico to Auction 6 Million Clean Energy Certificates**

Mexico energy officials plan to auction off up to 6 million clean energy certificates in its first wholesale electricity auction, the energy ministry announced as it released the final terms for the country's first wholesale electricity...

### *Superfund*

#### **Shield Nixed for Insurance Payments in Superfund Case**

Appvion Inc. can't invoke an exception allowing double recovery to deny defense inquiries into its receipt of insurance payments related to the cleanup of the Lower Fox River Superfund site, a federal court has ruled (Appvion Inc. v. P.H....

### *Toxic Substances*

#### **European Agency: Glyphosate 'Unlikely' to Cause Cancer**

The widely used herbicide glyphosate is "unlikely to pose a carcinogenic hazard to humans," according to a Nov. 12 reassessment report from the European Food Safety Agency, though EFSA said it also would propose new measures to tighten...

### *Water Pollution*

#### **New Jersey's Booker Sued Over Millions in Watershed Waste**

Corruption was rampant at a nonprofit entity that managed 35,000 acres of watershed for Newark, N.J., with the executive director secretly writing checks to herself and squandering public money in high-risk margin trading, state investigators...

### *Water Resources*

#### **NRDC Says Reclamation Illegally Diverted Project Water**

The U.S. Bureau of Reclamation illegally diverted scarce water supplies from behind California's Shasta Dam for agricultural operations rather than using the water to protect the winter and spring runs of Chinook salmon, according...

#### *Water Resources*

##### **Recycled Water Project Proposed for Southern California**

The Metropolitan Water District of Southern California has agreed to spend \$15 million on a demonstration project it said could lead to the development of the largest recycled water program in the nation. Members of the water importer's...

## **SPECIAL REPORT**

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#### *Water Pollution*

##### **Challenges Filed Against Federal Clean Water Rule**

At least 20 challenges to the final rule clarifying the Clean Water Act's jurisdiction over the nation's waters and wetlands were filed as of Nov. 10 in federal district and appellate courts. The next important ruling is expected in...

#### *Water Pollution*

##### **Jurisdiction Over Water Rules Divides Attorneys**

A rule intended to clarify which waters and wetlands are subject to Clean Water Act requirements has prompted lawsuits in federal courts across the country, but attorneys disagree over whether the pollution law should be amended to give a single...

## **BNA INSIGHTS**

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#### **Passing the Buck: Recent Developments in CERCLA**

##### **Contribution Actions Seeking Natural Resource Damages**

The Comprehensive Environmental Response, Compensation, and Liability Act is the primary federal statutory vehicle for government and private parties to recover the costs of investigating and cleaning up environmental releases of hazardous...

## **REGULATORY AGENDA**

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#### **Comment Deadlines**

##### **NOVEMBER 12 FEDERAL REGISTER**

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